

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
)
V.)) **CASE NO: 1:07-CR-60-WKW**
)
)
JAMES ALLAN GIBSON)

MOTION IN LIMINE

NOW COMES the Defendant, James Allan Gibson, by and through undersigned counsel and moves this Court to enter an Order prohibiting the introduction at trial of any testimony, evidence, document, or reference to any evidence that the firearm in question was found in the course of executing a search warrant.

In support of this motion, the Defendant would show the following:

1. On January 23, 2007, officers executed a search warrant for Mr. Gibson's residence.
2. The search warrant was issued and executed on the grounds that Mr. Gibson possessed a forged instrument.
3. In the course of the search for forged instruments, the officers discovered the items which are the subject of this indictment, and which were unrelated to any subject of the search warrant.
4. Mr. Gibson does not contest that he had a prior felony conviction or that the items which are the subject of this indictment were found at his residence.
7. Rule 403 of the Federal Rules of Evidence provides, in part, that "evidence

may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.”

8. That the firearm in question was found during the course of executing a search warrant for a separate and completely unrelated allegation is not probative of any element of this charge and is not relevant to any matter at issue in this Indictment..

9. Mr. Gibson would be unfairly prejudiced by this evidence because it would tend to show Mr. Gibson as a suspect in a totally unrelated criminal allegation.

10. This evidence should also be excluded because such evidence could potentially confuse or mislead the jury, by implying that Mr. Gibson is charged with multiple crimes, when in fact the present case involves a single offense.

11. The parties are discussing a possible stipulation, which may resolve this issue.

WHEREFORE, defendant respectfully requests that this Motion be granted.

Respectfully submitted,

s/Christine A. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Matthew Shepherd, Assistant United States Attorney, 131 Clayton Street, Montgomery, AL 36101.

s/Christine A. Freeman
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